



Home Office

Darra Singh's review of Home Office response to mandating of DNA evidence

Response

June 2019



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Response

The Home Office thanks Darra Singh for his report on the Home Office response to mandating of DNA evidence for immigration purposes. This review was commissioned by the Home Secretary to provide independent oversight of the effectiveness of remedial action taken by the Department when the incorrect mandating of DNA evidence came to light last year.

The Review recognises the considerable efforts made by the Department, once the issue came to light, to assess the scale of the problem and prevent its recurrence, and to identify those affected and take remedial action. The Review also notes that good progress has been made to update guidance on DNA and to provide training on this issue.

The report emphasises that DNA evidence, when appropriately requested on a voluntary basis, can be very helpful to applicants in that it enables a decision on their claim quickly, particularly where records from the applicant's country of origin are not available.

While the Review notes the hard work behind the immediate response, it rightly identifies inconsistencies in some of the recording systems being used to identify and track cases, and comments that the effective direction provided by the Critical Incident process could have been put in place at an earlier stage. The Review also identifies areas where the Home Office's approach to sampling, data collection, and assurance in this instance could have been improved.

The Department fully accepts that there is room for improvement in how we respond to issues as they emerge, and that immediate outcomes would have been improved by earlier centralised direction once the problem had been identified. We have already taken action to refresh the processes in place to manage critical incidents and will continue to refine our approach in the light of the lessons learned from this review.

Our response to the DNA incident is ongoing, and we continue to develop and improve our systems, both centrally and locally, to meet this and other challenges as they are identified. We have already resolved many of the specific issues that the Review brought to light and are working to address others. There has been considerable progress since the Review's fieldwork ended in February this year to confirm and assure, through further sampling exercises, that those affected have been identified, and that appropriate remedial action has been taken and that work

continues. Many of the actions recommended by the Review have already been implemented.

The Review highlights some systemic challenges with how work is coordinated across the Borders and Immigration system as well as the limitations imposed by a legacy IT system on effective data collection and analysis. In recognition of the need to streamline ways of working at a strategic level, the Department has already initiated a major Simplification and Streamlining Programme that will provide a single source of truth for guidance, policy, and Immigration Rules, providing information that is consistent and accessible for both decision makers and the public. A phased rollout of the modern Atlas IT system is currently underway and will enable improved record keeping and data collection, but we will also be implementing the measures recommended by the Review to improve our assurance and audit capability. Major initiatives have already been undertaken to improve data quality and data assurance.

Looking beyond the immediate remit of the Home Office response to the mandating of DNA, the Review also provides some 'General Reflections' designed to feed into the wider, forward-facing review of the Border, Immigration and Citizenship System (BICS) announced by the Home Secretary. The Department welcomes these reflections, which, alongside the findings of the Windrush Lessons Learned review of Home Office handling of Windrush which is due to report later this year, will contribute significantly to the work underway to the future immigration system.

The 'General Reflections' acknowledges the complexity of the BICS system, and the work already underway to bring its component parts into an aligned whole, reduce siloed working and increase collaborative working across operational and policy areas. The Department has recognised that more needs to be done to progress this approach, and that system-level thinking is needed to drive solutions which cut across traditional boundaries.

Detailed Response to Recommendations

The Home Office has accepted or partially all the recommendations

	RECOMMENDATION	RESPONSE
1	The Home Office should complete further assurance sampling on the use of DNA based evidence, in the two target populations of CID and CRS.	Accepted. Further assurance sampling for both the CID and CRS target populations has now been completed in response to this recommendation. As a result, we have improved our confidence in the potential size of the overall cohort that has been affected.
2	The Home Office should develop a framework and methodology for second line assurance deep dive reviews. This should include guidance on: <ul style="list-style-type: none"> • Scoping a review and setting objective • Defining a sample population • The expected approach to sample testing populations • Extrapolating results to the wider population • Drawing conclusions and next steps. 	Accepted. This work is in train and is expected to deliver a high level second line assurance framework agreed across the Home Office. In parallel to this, work continues with Home Office Analysis & Insight to agree a standard procedure for deep dive reviews across the Department.
3	The Home Office should complete more work to gain a full account of each cohort. This includes working with the MoD to ascertain how many adult dependent relatives have had DNA based evidence mandated for immigration purposes and which OASU identified cases provided DNA based evidence and should receive financial redress. They should consolidate all identified cohorts into one performance management pack, representing the totality of people impacted.	Accepted. The Home Office will continue its work to gain as full an account as possible of each cohort, and to identify the totality of people impacted. We will work with the MOD to provide any Home Office assistance needed in identifying or contacting those individuals whom the MOD required to submit DNA test results prior to adding them to the Kindred Roll.

		In response to this recommendation, we have developed a consolidated performance management pack to provide an overarching perspective of all identified cohorts, and will continue to develop that further.
4	The Home Office should develop a Standard Operating Procedure (SOP) for data recording outside of main systems to be invoked during a critical incident response which: requires Gold Commanders to engage relevant experts in the department in the development of data/MI for the incident; ensures information is recorded, where possible, on immigration IT systems to support operational and audit accountability; ensures that when main IT systems cannot provide the necessary data, experts should be employed to create standalone systems.	Accepted. This Standard Operating Procedure has been developed and will be implemented for future incidents.
5	The Home Office, in recognition that staff currently need to use local spreadsheets to record and analyse data, should improve locally held data quality by developing a toolkit of business rules for all local record keeping pertaining to migrants which includes: <ul style="list-style-type: none"> • A staff guide on how to record information on spreadsheets. It should: <ul style="list-style-type: none"> o set out the approaches that can be taken to ensure the right data is collected first time round, reducing the duplication of reviewing records o encourage staff to question whether their spreadsheet will answer the likely questions that could be posed o set out how to ensure that local spreadsheets adhere with the Data Protection Act and the General Data Protection Regulation. o set out an assurance process for local spreadsheets 	Partially Accepted. We recognise the gap in provision identified by the review and are taking steps to improve the consistency of local record keeping. As recommended, we will develop additional guidance for people using local spreadsheets covering the collection, curation and assurance of data that has to be managed separately from main systems. Where possible, we will develop standard templates or examples to serve as a guide to best practice in creating and maintaining spreadsheets. However, it is not practical, given the diverse range of purposes that local spreadsheets might be required for, to develop a model spreadsheet that will be applicable to all situations. We will also continue to progress the programme of work that is already in place to improve data management.

	<ul style="list-style-type: none"> o include how to reconcile local spreadsheets with live records on a frequent basis with any differences investigated and resolved as soon as possible. • A model spreadsheet including: <ul style="list-style-type: none"> o common fields for all spreadsheets containing case information o data validation to ensure the consistency of recorded information, which in turn will allow for more effective management information reporting o the person ID (or VAF for overseas cases) must appear in all spreadsheets as a minimum. o a front sheet which sets out what data is included and version control. 	
6	<p>The Home Office should proactively contact all the people they know who have been affected by the mandating of DNA based evidence. They should be provided with offers of financial redress where DNA evidence was obtained and reconsideration of their application where appropriate.</p>	<p>Accepted. The Home Office will continue to proactively and reactively contact all those known to have been affected by the mandating of DNA and offer redress where appropriate. It will also continue to review and reconsider applications where appropriate.</p>
7	<p>The Home Office should ensure those that have been refused or put on hold due to DNA based evidence are checked for enforcement activity including detention, removal and proactive compliant environment measures.</p>	<p>Accepted. Checks of all Operation Fugal cases for enforcement activity have already been completed. We will establish what enforcement activity has taken place for all remaining cases and for any others that we become aware of as further data becomes available.</p> <p>The need to check enforcement activity does not arise for cases (such as the Gurkha cohort) where applications were made from overseas.</p>

8	<p>The Home Office should make improvements to the DNA taskforce including:</p> <ul style="list-style-type: none"> • improve the publicity and access to the DNA helpline by introducing methods of contact such as email, answer phone message services and clarify opening times • the administration of the redress panel, introducing record keeping of decisions and a senior Chairperson • recording decisions and referrals made by CCU on Home Office systems • collating comprehensive records of outcomes of reconsiderations • improved management information on the overall number of people affected. 	<p>Accepted. We have already acted on this recommendation. We have taken steps to improve the publicity and access to the DNA helpline by introducing an email contact option. We have also refreshed relevant GOV.UK webpages to ensure that opening hours are consistently set out.</p> <p>Decisions made by the redress panel are already recorded, but record keeping has now been expanded to include full meeting minutes and the rationale for decision making. All correspondence sent to customers who qualify for financial redress and details of any resulting payment is recorded on Home Office systems, including reasons why they qualify. In addition to the existing escalation route for the most complex cases, a senior manager has been appointed as overall chairperson for the redress panels.</p> <p>All referrals made by CCU from the helpline have been recorded on the appropriate Home Office system.</p> <p>A performance pack that provides accurate management information on all outcomes for those affected is being complied.</p>
9	<p>The Home Office should update the Nationality policy guidance ‘children of unmarried parents’, Asylum policy guidance ‘Dublin III regulation’ and ‘family reunion: for refugees and those with humanitarian protection’ to ensure they clearly reflect the law and new policy guidance.</p>	<p>Accepted. This guidance has been updated to remove any ambiguity.</p>

10,	The Home Office should ensure all decision-making units in BICS establish mechanisms to assure, review and maintain the content of their local hubs regularly and take steps to remove all archived guidance documents.	Accepted. Through our ongoing guidance improvement project we are working to ensure that all centrally published internal guidance for staff is accurate and up to date, and any out of date or inaccurate material removed. We will also ensure that the content of local hubs is subject to regular assurance, review and maintenance.
11	The Home Office should complete the UKVI led review of locally held documentation. They should ensure that all templates held on local hubs and drives that refer to DNA based evidence are removed. Any required local documentation on local hubs should link to the new DNA policy guidance and be signed off by policy and operational leads.	Accepted. The review of locally-held documentation has been completed and the relevant templates removed or updated to be consistent with the appropriate policy and guidance.
12	The Home Office should amend template ASL.3200 to ensure that it does not state or imply that DNA evidence is required and is in line with the new DNA policy guidance.	Accepted. This template is no longer in use and will be deleted.
13	The Home Office should train all current and future immigration decision makers, regardless of grade, in requesting and use of DNA evidence. Records of staff trained should be kept and monitored	Accepted. All relevant trainers and senior caseworkers have been trained in the new DNA policy and guidance and have disseminated the training to relevant decision-making staff. An e-learning package has also been developed for all staff who may have to consider DNA evidence in their decision making. Take up of this learning will be monitored through existing L&D monitoring mechanisms.
14	The Home Office should develop a critical incident communication strategy for BICS to employ when potential risks are known to ensure that all relevant senior leaders, staff and OGDs are aware in a timely	Accepted. The BICS Hub is the designated Secretariat function for a cross-BICS critical incident and it has developed a standard operating procedure for

	<p>manner. This should include organograms and distribution lists which are up to date, reliable and comprehensive. Communications should be a mix of formal, informal, structured and unstructured.</p>	<p>communicating roles and responsibilities once a Critical Incident is declared. When responding to an incident, the BICS Hub will utilise existing information about the department and key stakeholders, including organograms, to ensure that correct distribution lists are created, and up-to-date and relevant information is shared effectively. Communications will include formal Situation Reports and all relevant submissions as well as informal updates and other information pertinent to the incident.</p>
15	<p>The Home Office should develop a communication strategy for all new or amended policies to ensure decision making units are aware of, and understand, new policy and/or changes and how to implement them.</p>	<p>Accepted. A Policy Assurance Framework has been launched to support policy making by bolstering assurance of policy design, development and implementation. In addition, a communications strategy is in development to improve cross-system working ensuring there is clarity about the implementation of policy changes.</p>
16	<p>To manage the risk of incorrect use of DNA evidence happening again the Home Office should ensure that they integrate DNA based evidence in their approach to first and second line assurance sampling, all current and future decision maker training, up to date guidance and templates to be used by decision makers.</p>	<p>Accepted. Guidance and training will reflect the legal requirements associated with DNA evidence. The Chief Caseworker Unit is working to improve staff understanding of the use of DNA evidence in decision making.</p>

